

## COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. \_\_\_\_\_

First Reading December 14, 2009

Case/Project No.: FY10-08

Resolution No. 09-370

Applicant: Greg Reeder, Public Works Director

### SUBJECT/TITLE

Council consideration of a resolution accepting the work of MFT Construction, Inc. as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the So. 16<sup>th</sup> Street Sanitary Sewer Pipe Rehab. Project # FY10-08.

### BACKGROUND/DISCUSSION

- Railroad Addition bounded by 23<sup>rd</sup> Avenue to 28<sup>th</sup> Avenue between So. 15<sup>th</sup> Street to So. 19<sup>th</sup> Street received sanitary service extensions in 1979.
- The sewer pipes were originally construction of iron pipe.
- Recent condition assessments reveal the extensions to have structural deficiencies and ground water infiltration issues. The iron pipe was severely corroded from a reaction with sewage.
- This project was to line the extensions as necessary. Pipe lining is the preferred method of rehab because of the depth of the pipes, the presence of a high water table and sandy soil conditions. There were a few isolated spot repairs completed as part of this project.
- This lining project extended the life of the sanitary sewer and will be able to support further infill re-development.
- The project budget will be funded through FY10 GO bonds.

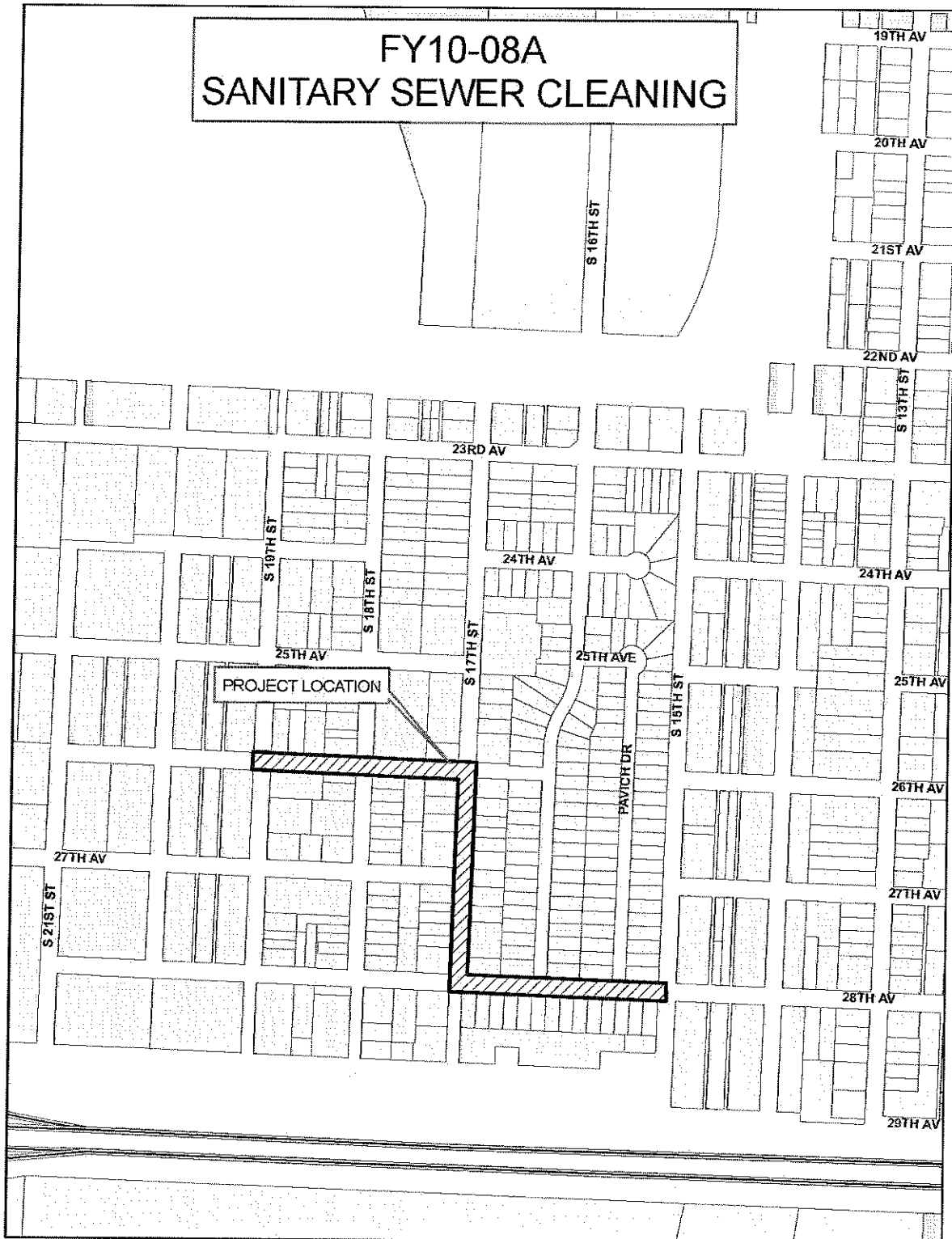
	<u>Division I</u> <u>General</u>	<u>Division II</u> <u>Pavement</u>	<u>Division III</u> <u>Storm Sewer</u>	<u>Division IV</u> <u>Sanitary Sewer</u>	<u>Total</u>
• Original Contract Amount	\$21,998.23	\$31,823.79	\$81,490.41	\$392,320.92	\$527,633.35
Change Orders (2.81%)	(\$ 1,962.56)	(\$ 2,046.90)	\$ 307.65	(\$ 11,157.01)	(\$ 14,858.82)
Final contract amount	\$20,035.67	\$29,776.89	\$81,798.06	\$381,163.91	\$512,774.53
Less previous payments	(\$19,033.89)	(\$28,288.05)	(\$77,708.16)	(\$362,105.71)	(\$487,135.80)
Retainage due contractor	\$ 1,001.78	\$ 1,488.84	\$ 4,089.90	\$ 19,058.20	\$ 25,638.73

Contract received no non-compliance notices.  
Contractor did finish on time.

### RECOMMENDATION

Approval of this resolution.

FY10-08A  
SANITARY SEWER CLEANING



**RESOLUTION**  
**NO 09-370**

**RESOLUTION ACCEPTING THE WORK OF  
MFT CONSTRUCTION, INC. IN CONNECTION WITH  
THE SO. 16<sup>TH</sup> STREET SANITARY SEWER PIPE REHAB.  
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE  
A CITY CHECK IN THE AMOUNT OF \$25,638.73  
FY10-08**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with MFT Construction, Inc., Council Bluffs, IA for the So. 16<sup>th</sup> Street Sanitary Sewer Pipe Rehab.; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the City clerk; and
- WHEREAS, a request for final payment in the amount of \$25,638.73 to MFT Construction, Inc. has submitted to the city council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$25,638.73 constitutes a valid obligation of the City and should in its best interest be paid.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

Said improvements are hereby accepted as having been fully completed in accordance with plans and specifications.

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$25,638.73 payable to MFT Construction, Inc. from budget codes Division I, Z14200-676000; Division II, Z14200-676200; Division III, Z14200-676500; Division IV, Z14200-676700. Project #00368.

ADOPTED  
AND  
APPROVED

December 14, 2009

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden, City Clerk

## COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. \_\_\_\_\_

First Reading December 14, 2009

Case/Project No.: FY10-05D

Resolution No. 09-371

Applicant: Greg Reeder, Public Works Director

### SUBJECT/TITLE

Council consideration of a resolution accepting the work of R. D. Blue Construction as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the So. 32<sup>nd</sup> Street Sanitary Sewer Improvements. Project # FY10-05D

### BACKGROUND/DISCUSSION

- So. 32<sup>nd</sup> Street sanitary sewer is a major 30" trunk line that serves the Northwest area of the city.
- The So. 32<sup>nd</sup> Street sanitary sewer was constructed in 1961 and was in very poor condition.
- New sanitary sewer has been constructed south of Nebraska Avenue to 23<sup>rd</sup> Avenue.
- New sewer was constructed from Nebraska Avenue to 14<sup>th</sup> Avenue in 2008.
- This project constructed new sanitary sewer from 14<sup>th</sup> Avenue north to 12<sup>th</sup> Avenue.
- The project was FY10-05D in the CIP and was funded from sales tax revenue.

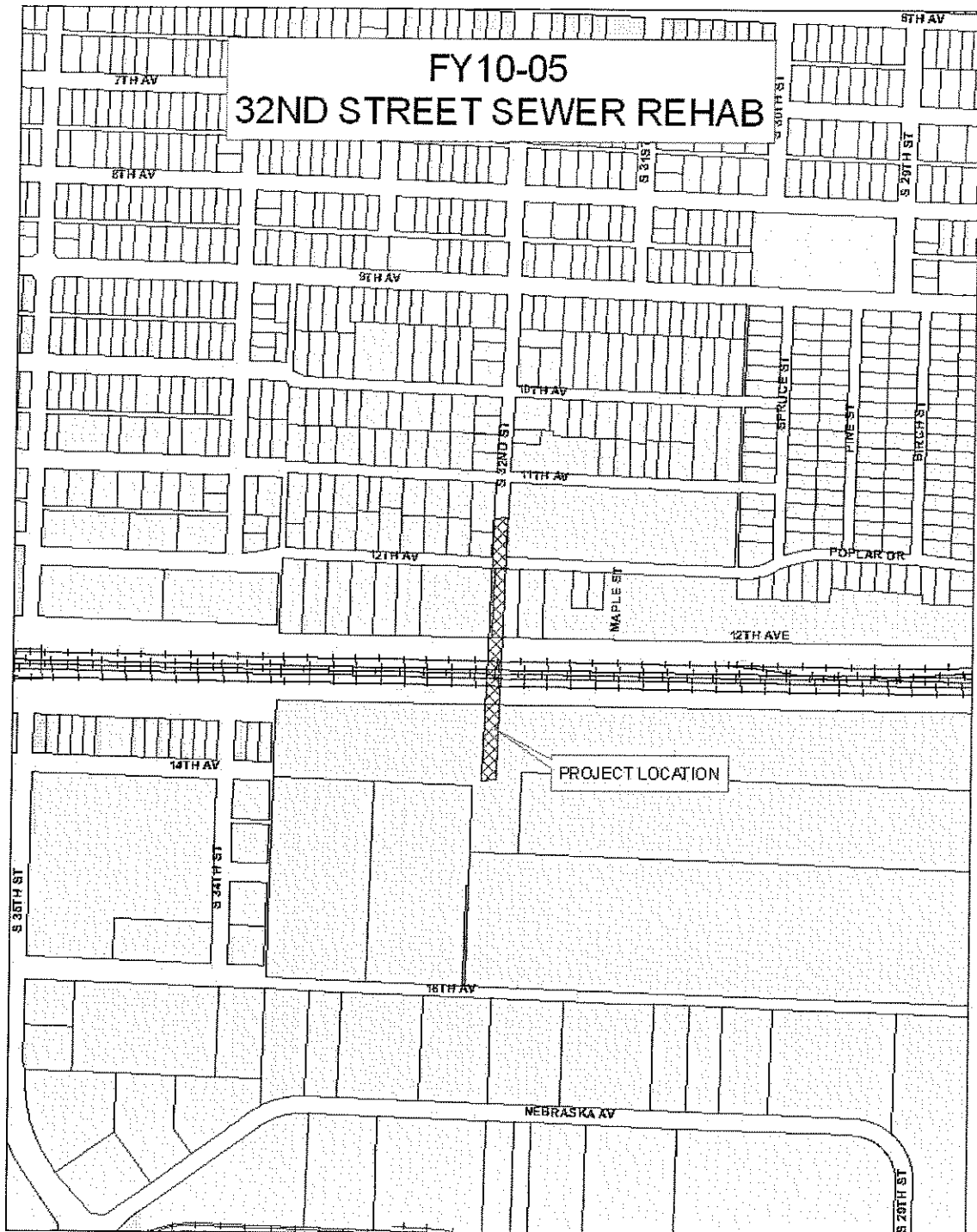
	<u>Division I</u> <u>General</u>	<u>Division II</u> <u>Pavement</u>	<u>Division III</u> <u>Storm Sewer</u>	<u>Division IV</u> <u>Sanitary Sewer</u>	<u>Total</u>
• Original contract amount	\$ 9,723.00	\$12,880.00	0	\$374,298.50	\$396,901.50
Change Orders (1.053%)	\$ 401.25	\$ 1,134.84	\$1,640.00	\$ 1,005.00	\$ 4,181.09
Final contract amount	\$10,124.25	\$14,014.84	\$1,640.00	\$375,303.50	\$401,082.59
Less previous payments	(\$ 9,618.04)	(\$13,314.10)	(\$1,558.00)	(\$356,538.32)	(\$381,028.46)
Retainage due contractor	\$ 506.21	\$ 700.74	\$ 82.00	\$ 18,765.18	\$ 20,054.13

Contractor received no non-compliance notices.

Contractor finished on time.

### RECOMMENDATION

Approval of this resolution.



**RESOLUTION**  
**NO 09-371**

**RESOLUTION ACCEPTING THE WORK OF  
R. D. BLUE CONSTRUCTION IN CONNECTION WITH  
THE SO. 32<sup>ND</sup> STREET SANITARY SEWER IMPROVEMENTS  
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE  
A CITY CHECK IN THE AMOUNT OF \$20,054.13**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with R. D. Blue Construction, Crescent, IA, for the So. 32<sup>nd</sup> Street Sanitary Sewer Improvements; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the City clerk; and
- WHEREAS, a request for final payment in the amount of \$20,054.13 to R. D. Blue Construction has submitted to the city council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$20,054.13 constitutes a valid obligation of the City and should in its best interest be paid.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

Said improvements are hereby accepted as having been fully completed in accordance with plans and specifications.

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$20,054.13 payable to R. D. Blue Construction from budget codes Division I, G21800-676000; Division II, G21800-676200; Division III, G21800-676500; Division IV, G21800-676700. Project #00360.

ADOPTED  
AND  
APPROVED

December 14, 2009

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

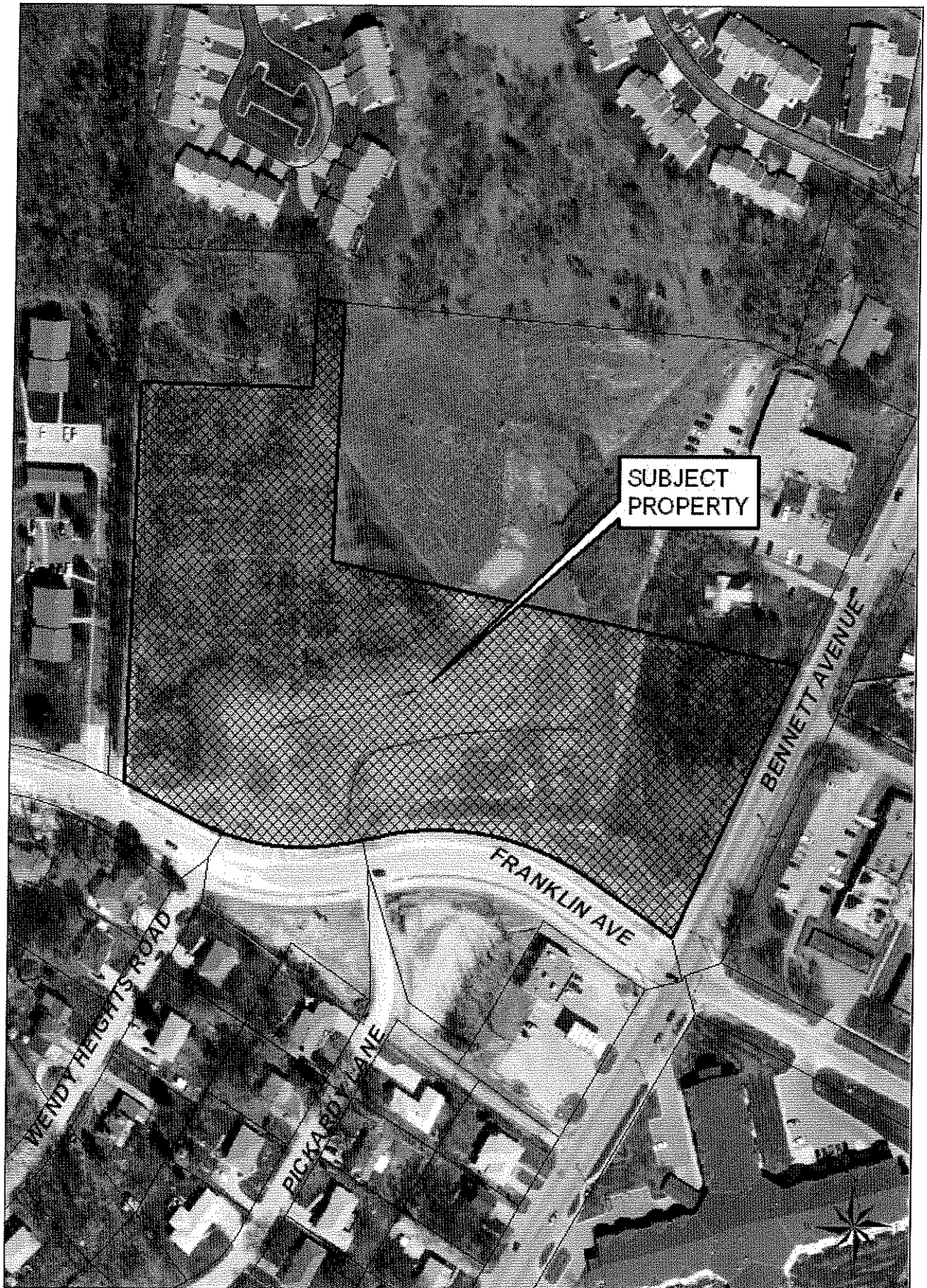
\_\_\_\_\_  
Marcia L. Worden, City Clerk

**Council Communication**  
**December 14, 2009 City Council Meeting**

Department: Community Development		
Offer to Buy City Property	Resolution No.: <u>09-372</u>	Council Action: <u>Dec. 14, 09</u>
Applicant: Cardinal Capital Management, Inc.		
<b>Subject/Title</b>		
Second request of Cardinal Capital Management, Inc. to amend their purchase agreement for the City owned property located at the northwesterly corner of Bennett and (relocated) Franklin Avenues (Lot 1, Franklin Heights Subdivision)		
<b>Background/Discussion</b>		
<p>On September 8, 2008, City Council approved the sale of City owned property located at the northwesterly corner of Bennett and Franklin Avenues to Cardinal Capital Management, Inc. (CCM). They propose to construct a 32 unit low income housing project specifically designed for the deaf, hard of hearing and deaf/blind seniors. The project will consist of both one and two bedroom units and is a collaboration between CCM and Deaf Northwest, a nonprofit organization dedicated to bringing housing and services to deaf seniors.</p> <p>CCM received low-income housing tax credits from the Iowa Finance Authority to assist with the financing of the project. However considering the challenging economic times, lenders and equity investors for these tax credits have been more difficult to find. Consequently, on June 22, 2009, City Council approved the first amendment to the original real estate offer to buy, which extended the contingency date from May 31, 2009 to December 15, 2009 and the closing date from August 31, 2009 to December 30, 2009.</p> <p>CCM has requested a second amendment to the offer to buy. They would like to extend the contingency date from December 15, 2009 to December 15, 2010 and the closing date from December 30, 2009 to December 30, 2010.</p> <p>City staff is confident the project will proceed, but simply be delayed. The developer has invested considerable amounts of time and resources on the development of this project and has demonstrated their commitment to making it a reality.</p>		
<b>Staff Recommendation</b>		
The Community Development Department recommends approval of the second amendment to the offer to buy real estate from Cardinal Capital Management for Lot 1 of Franklin Heights Subdivision, extending the contingency dates to December 15, 2010 and the closing date to December 30, 2010.		
<b>Attachment</b>		
Location map, letter from Cardinal Capital and the second amendment to the offer to buy real estate		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department

Approved by: Donald D. Gross, Director, Community Development Department







2 East Mifflin Street, Suite 401  
Madison, WI 53703  
Office: 608/663-6390  
Fax: 608/663-6399

November 11, 2009

Mr. Donald Gross  
Community Development Director  
City of Council Bluffs  
209 Pearl Street  
Council Bluffs, IA 51503

Dear Mr. Gross:

We would like to submit the attached amendment to the Offer to Purchase dated January 22, 2009. The amendment requests that we extend the stated contingency deadlines to December 15, 2010 and the Closing date to December 30, 2010.

Over the past couple of years, we have invested considerable amounts of time and resources on the development of a 36 unit affordable housing project for deaf seniors to be located at the intersection of Bennett and Franklin Avenues.

However, due to difficult economic circumstances and the negative impact they've had on lenders and equity investors we are requesting this extension to provide ourselves enough time to pursue the necessary debt and equity sources for this project. With your help we remain extremely confident that this project will proceed. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan O'Connell".

Dan O'Connell  
Vice President

Cardinal Capital Management, Inc.

COUNCIL BLUFFS  
COMMUNITY DEVELOPMENT DEPT.

NOV 12 2009

RECEIVED

## SECOND AMENDMENT TO REAL ESTATE OFFER TO PURCHASE

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**Buyer:** Cardinal Capital Management, Inc., a Wisconsin corporation, or its assigns

**Seller:** City of Council Bluffs

**Property:** Lot 1 Franklin Heights Subdivision  
Council Bluffs, Iowa

**Date of Offer:** January 22, 2009 (Date of Acceptance: February 3, 2009)

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The above described contract for the sale and purchase of real estate (which together with this Amendment shall be referred to as the "Contract") is amended. All terms and conditions of the Contract shall remain the same as stated in the Contract, except as follows:

1. Sections 7(b), 9(c)(ii), 9(c)(iii), 9(c)(iv), 9(c)(v), and 9(c)(vi) of the Contract are hereby amended by changing the date by which Buyer must waive or remove the stated contingencies to ***December 15, 2010***.
2. Section 9(a) is amended by changing the Closing Date from December 30, 2009 to no later than ***December 31, 2010*** unless another date is agreed to in writing. All references to the Closing Date in the Contract shall be to the amended Closing Date.
4. All other terms of the amended Contract remain unchanged.

Dated this 11<sup>th</sup> day of November, 2009.

[Signature Page to Follow]

BUYER:

CARDINAL CAPITAL MANAGEMENT, INC

By:   
Daniel O'Connell, Vice President

SELLER:

CITY OF COUNCIL BLUFFS

By: \_\_\_\_\_

Its: \_\_\_\_\_

**RESOLUTION NO. 09-372**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS  
APPROVING THE SECOND AMENDMENT TO THE OFFER TO BUY REAL ESTATE  
FOR CITY OWNED PROPERTY LOCATED AT THE NORTHWESTERLY CORNER OF  
BENNETT AND (RELOCATED) FRANKLIN AVENUES (LOT 1, FRANKLIN HEIGHTS  
SUBDIVISION)**

**WHEREAS,** On September 8, 2008, City Council approved the sale of City owned property located at the northwesterly corner of Bennett and (relocated) Franklin Avenues to Cardinal Capital Management (CCM); and

**WHEREAS,** This property has been replatted into Lot 1 of Franklin Heights Subdivision; and

**WHEREAS,** CCM proposes to construct a 32 unit low income housing project specifically designed for the deaf, hard of hearing and deaf/blind seniors on the site; and

**WHEREAS,** On June 22, 2009, City Council approved the first amendment to the original real estate offer to buy, extending the contingency dates from May 31, 2009 to December 15, 2009 and the closing date from August 31, 2009 to December 30, 2009; and

**WHEREAS,** CCM has requested a second amendment to the amended real estate offer to buy, extending the contingency dates from December 15, 2009 to December 15, 2010 and the closing date from December 30, 2009 to December 30, 2010; and

**WHEREAS,** It is in the City's best interest to continue to support this project and extend the contingency and closing dates.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the Mayor is hereby authorized to execute the second amendment to the real estate offer to buy extending the contingency dates to December 15, 2010 and the closing date to December 30, 2010.

ADOPTED  
AND  
APPROVED:

December 14, 2009

\_\_\_\_\_  
Thomas P. Hanafan                      Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden                      City Clerk

**Council Communication**  
**December 14, 2009 City Council Meeting**

Department: Community Development	Ordinance No.: N/A  Resolution No.: <u>09-373</u>	City Council Action: <u>December 14, 2009</u>
Case/Project No.: N/A		
<b>Subject/Title</b>		
Execute a special purpose EDI grant with the U.S. Department of Housing and Urban Development for the redevelopment of the Playland Park Neighborhood.		
<b>Location</b>		
Mainly in the neighborhood north of Interstate 480 between the Missouri River and Interstate 29.		
<b>Background/Discussion</b>		
<u>Background</u> The Playland Park neighborhood is a moderate income residential neighborhood north of Interstate 480 between the Missouri River and Interstate 29. The neighborhood is positioned immediately across the Missouri River from Omaha in a highly visible location. Since the construction of Interstates I-29 and I-480, the neighborhood has been physically separated from the rest of the community but is considered the City's gateway from the west. The neighborhood was developed as a residential area and currently consists of approximately 250 residential units in various structural conditions. Based on 2000 Census figures, the median age of structures is 35 years with a value of approximately \$75,000. Since the late 1970s, the neighborhood has benefited from the use of CDBG funds for infrastructure improvements, housing rehabilitation and new residential construction. As a result, the neighborhood has experienced a slow but continual improvement. However, numerous properties remain in need of rehabilitation and a significant potential exists for smaller residential infill developments. The southern third of the neighborhood and adjacent Missouri riverfront area has been the focus of significant long range planning efforts associated with the redevelopment of existing city property and park land. The City has conceptual plans for the development of this area which includes approximately 338 units of mixed residential structures known as the "River's Edge Project." The implementation of the "River's Edge Project" includes efforts aimed at further stabilization of the existing neighborhood. Public efforts are necessary to limit potential impacts from the "River's Edge Project" on the neighborhood.		
<u>Discussion</u> The City has been awarded a \$475,000 Economic Development Initiative (EDI) Special Purpose Grant from the U.S. Department of Housing and Urban Development (HUD). Because of the diversity in this neighborhood and various redevelopment needs, the City believes a flexible redevelopment plan is necessary to accelerate investment and improvements in the neighborhood. Therefore, the EDI funds will be used to assist with a combination of redevelopment needs including single family rehabilitation and new construction, acquisition/rehabilitation of single family properties, blight removal and site development. These actions would be further supplemented by continued City infrastructure installation/improvements and streetscape improvement efforts.		
<b>Staff Recommendation</b>		
The Community Development Department recommends authorizing the Mayor to execute the \$475,000 special purpose EDI grant with the U.S. Department of Housing and Urban Development for the redevelopment of the Playland Park Neighborhood.		
<b>Attachments</b>		
None.		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department  
Approved by: Donald D. Gross, Director, Community Development Department

**RESOLUTION NO. 09-373**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A \$475,000 SPECIAL PURPOSE ECONOMIC DEVELOPMENT INITIATIVE (EDI) GRANT AGREEMENT AND OTHER NECESSARY DOCUMENTS WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE PLAYLAND PARK NEIGHBORHOOD REDEVELOPMENT PROJECT**

**WHEREAS,** the City of Council Bluffs has received a special purpose EDI grant in the amount of \$475,000 from the U.S. Department of Housing and Urban Development to assist with the redevelopment of the Playland Park Neighborhood; and

**WHEREAS** the EDI funds will be utilized to assist with a combination of redevelopment needs including single family rehabilitation, single family new construction, voluntary acquisition/rehabilitation of single family properties, blight removal and site development improvements; and

**WHEREAS** the City must officially accept the EDI award and authorize the Mayor to execute all necessary documentation.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the Mayor is hereby authorized to execute the \$475,000 special purpose EDI grant with the U.S. Department of Housing and Urban Development for the redevelopment of the Playland Park Neighborhood.

ADOPTED  
AND  
APPROVED:

December 14, 2009

\_\_\_\_\_  
Thomas P. Hanafan                      Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden,      City Clerk

## Council Communication

<b>Department:</b> Finance <b>Case/Project No.</b> n/a <b>Applicant:</b> Arthur Hill Finance Director	<b>Ordinance No.</b> _____ <b>Resolution No.</b> <u>09-374</u>	<b>Council Action:</b> <u>12/14/2009</u>
<b>Subject/Title</b>		
Council consideration of a resolution authorizing a change in staffing in the Finance Department		
<b>Background/Discussion</b>		
<p>Currently the position of Payroll Specialist is an authorized position in the accounting section of the finance department. The position is a grade 14 position with an annual salary range of \$36,454 to \$46,527. The position requires a high school education and the incumbent is responsible for preparation of city payroll on a bi-weekly basis.</p> <p>The incumbent in this position has recently accepted a new position with the Council Bluffs Police Department.</p> <p>The City of Council Bluffs is implementing an electronic timekeeping system for the first time. This is a more skilled requirement for the person preparing payroll information. This system (KRONOS) will be implemented in early 2010.</p> <p>In view of the expanding requirements of payroll processing and reporting, the newer methods of gathering timekeeping information, and the increasingly higher level of knowledge required of accounting staff, we are proposing that the position of payroll specialist be abolished and replaced by the position of Accountant 1 – a grade 15 position with an annual salary range of \$37,863 to \$48,323. The position job description will be changed to require a bachelor's degree in business or related subject, and experience in electronic timekeeping systems will be viewed favorably in the hiring process.</p> <p>The starting salary offered is expected to be less than the salary of the departing incumbent so the change will not negatively impact the 2009-2010 cost of operations relative to budget.</p>		
<b>Recommendation</b>		
We recommend you authorize the change in staffing to abolish the position of Payroll Specialist and authorize the position of Accountant 1.		

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Mayor Signature

**Resolution 09-374**

**A Resolution authorizing a change in staffing positions in the Finance Department.**

Be it resolved by the City Council of the City of Council Bluffs, Iowa:

Whereas: Currently the position of Payroll Specialist is an authorized position in the accounting section of the finance department. The position is a grade 14 position.

Whereas: The City of Council Bluffs issued general obligation bonds with an interest rate of 5.5% in March 2000. From that issue, \$500,000 are payable on June 1, 2011 and

Whereas: The incumbent in this position has recently accepted a new position with the Council Bluffs Police Department.

Whereas: The City of Council Bluffs is implementing an electronic timekeeping system for the first time. This is a more skilled requirement for the person preparing payroll information. This system (KRONOS) will be implemented in early 2010.

Whereas: Expanding requirements of payroll processing and reporting, newer methods of gathering timekeeping information, and the increasingly higher level of knowledge required of accounting staff call for higher education levels,

That the City of Council Bluffs authorizes elimination of the position of payroll specialist (grade 14) and replaced that position with the position of Accountant 1 (grade 15)

Adopted and Approved: December 14, 2009

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Mayor Signature



## COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. \_\_\_\_\_

First Reading December 14, 2009

Case/Project No.: FY11-09

Resolution No. 09-375

Applicant: Greg Reeder, Public Works Director

### SUBJECT/TITLE

Council consideration of a resolution accepting the bid of MFT Construction, Inc. in the amount of \$737,221.27 for the East Manawa Storm Sewer-Phase II. Project #FY11-09.

### BACKGROUND/DISCUSSION

- On December 8, 2009, bids were received in the office of the City Clerk as followed:

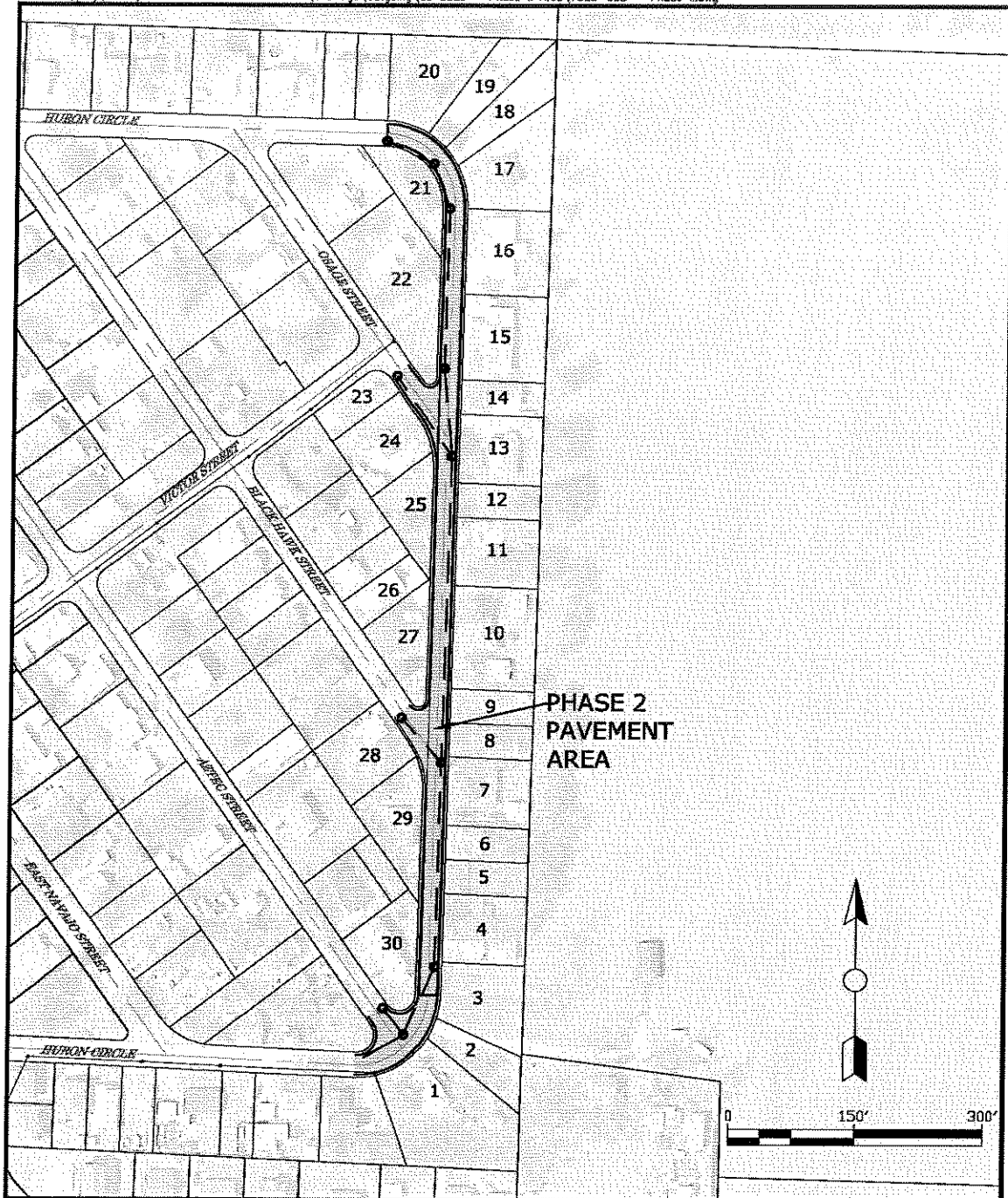
	<u>Division I</u> <u>General</u>	<u>Division II</u> <u>Pavement</u>	<u>Division III</u> <u>Storm Sewer</u>	<u>Division IV</u> <u>Sanitary Sewer</u>	<u>Division V</u> <u>Water</u>	<u>Total</u>
MFT Const. Inc.	\$136,726.56	\$362,949.45	\$ 74,144.07	\$ 59,462.55	\$103,938.54	\$ 737,221.17
Neuvirth's Const.	\$157,065.80	\$408,522.05	\$ 88,980.00	\$ 87,707.45	\$142,407.80	\$ 884,683.10
TAB Const.	\$224,189.99	\$442,323.50	\$ 55,464.90	\$ 70,979.60	\$142,079.00	\$ 935,036.99
Engineer's Est.	\$181,673.00	\$553,490.00	\$126,055.00	\$137,420.00	\$114,628.00	\$1,113,266.00

- The area of East Manawa is very flat with open ditch drainage. There are no storm sewers in this area and during intense rainfall events considerable surface ponding occurs. The streets are thin asphalt and also drain poorly.
- Due to the narrowness of the right-of-way (30 ft.) and to the high water table in the area, conventional storm sewer construction is not practical. The use of porous pavement in conjunction with a porous granular base and shallow subdrain/conveyance system has been determined to be the most cost effective means available to improve the area drainage.
- Phase I constructed two blocks of new pavement, storm sewer and sanitary sewer on Huron Circle in 2009.
- This project will continue construction of 4 blocks on Huron Circle with porous asphalt pavement with concrete curb and gutter, storm sewer, sanitary sewer and water main.
- This project has been approved as a State Revolving Fund Green Project with an estimated SRF loan amount of \$1,124,978.30 and a grant in the amount of \$225,159.70. Total estimated project cost is \$1,350,138.00. The loans will be prepaid with Sales Tax Revenues.
- Project must be let by January, 2010, to be eligible for this funding.
- The project schedule is:

Set Public Hearing	October 26, 2009
Hold Public Hearing	November 9, 2009
Letting	December 8, 2009
Award	December 14, 2009

### RECOMMENDATION

Approval of this resolution.



**EAST MANAWA STREET SEWER  
PHASE 2**

**FIGURE: FIGURE 1**

REVISION	NO.	DATE
DRAWN SPS	PROJECT NO. 7085-09A	DATE 5/29/09

**RESOLUTION  
NO 09-375**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK  
TO EXECUTE AN AGREEMENT WITH  
MFT CONSTRUCTION, INC. FOR THE  
EAST MANAWA STORM SEWER PHASE II  
FY11-09**

WHEREAS, the plans, specifications, and form of contract for the East Manawa Storm Sewer Phase II, are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on November 9, 2009, and the plans, specifications and form of contract were approved; and

WHEREAS, MFT Construction, Inc. has submitted a low bid in the amount of \$737,221.17 for this contract.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the bid of MFT Construction, Inc. in the amount of \$737,221.17 is hereby accepted as the lowest and best bid received for said work; and

**BE IT FURTHER RESOLVED**

That the City Council does hereby award the contract in connection with the East Manawa Storm Sewer Phase II: and

**BE IT FURTHER RESOLVED**

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with MFT Construction, Inc. for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

**ADOPTED  
AND  
APPROVED**

December 14, 2009

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Thomas P. Hanafan, Mayor

ATTEST:

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Marcia L. Worden, City Clerk

## COUNCIL COMMUNICATION

Department: Public Works Ordinance No. \_\_\_\_\_ First Reading December 14, 2009  
Case/Project No.: FY10-19 Resolution No. 09-376  
Applicant: Greg Reeder, Public Works Director

### SUBJECT/TITLE

Council consideration of a resolution accepting the bid of Eriksen Construction in the amount of \$336,800.00 for the Waste Water Treatment Plant Recirculation Pump Station/Motor Control Center Replacement and Controls Upgrade. Project #FY10-19.

### BACKGROUND/DISCUSSION

- On December 8, 2009 bids were received in the office of the City Clerk as followed:

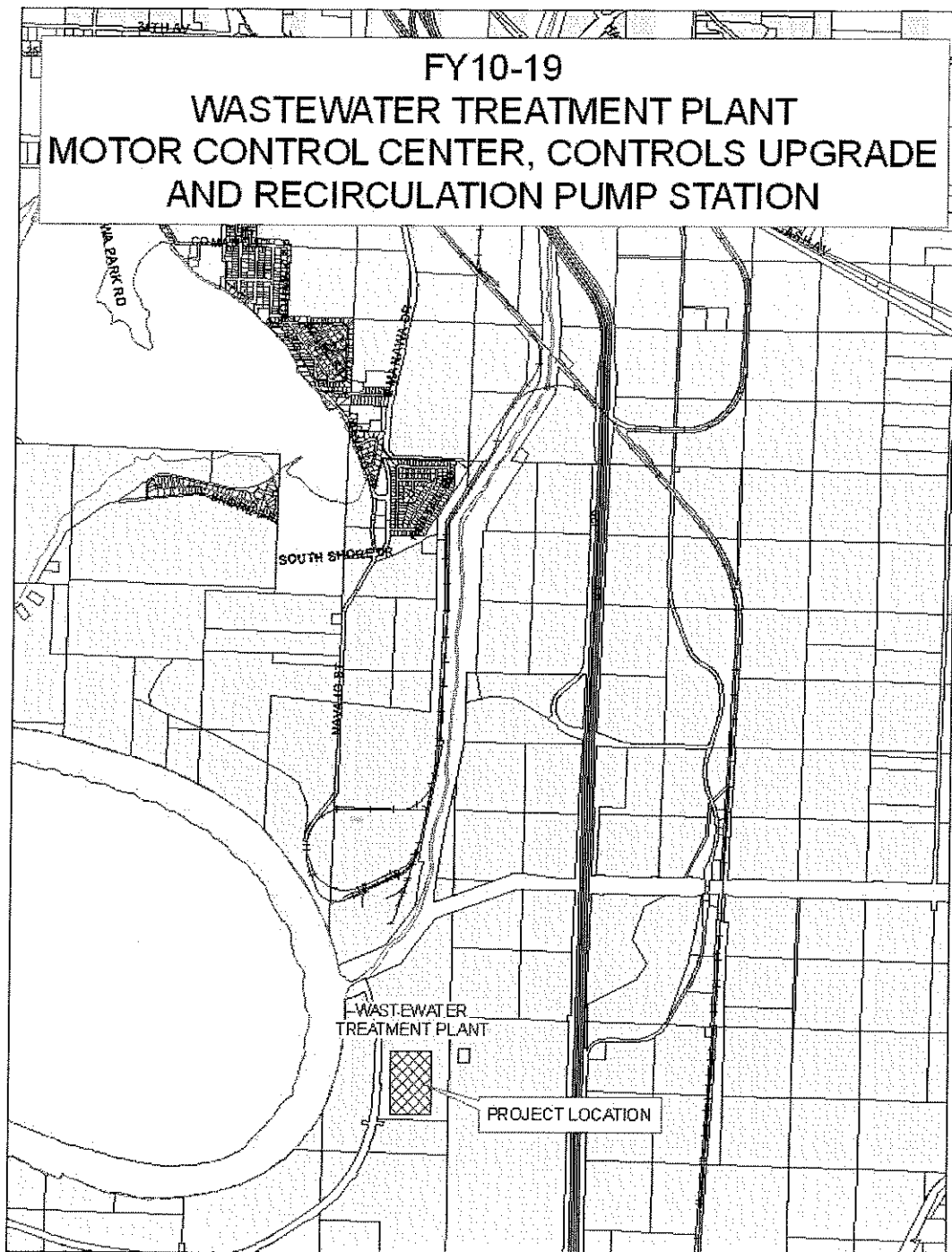
Eriksen Construction	\$336,800.00
Sadler Electric	\$341,600.00
Rosenbaum Electric	\$345,835.85
Commonwealth Electric	\$358,105.00
Muth Electric	\$382,394.00
Iowa Electric	\$383,000.00
Engineer's Estimate	\$468,000.00

- The present Waste Water Treatment Plant Motor Control Center (MCC) has been in service for 36 years.
- The MCC has experienced corrosion of the electrical and mechanical control components.
- Many of the original components can no longer be replaced or repaired because the parts are no longer produced.
- All breakers, disconnects, motor stations, and variable frequency drives (VFD's) and related electrical equipment will be replaced.
- The effluent re-use water pumps will be upgraded with new more efficient and higher capacity pumps to meet present and future needs.
- The existing outdated pump controls would be replaced with modern PLC equipment.
- Three existing flow motors, which cannot be repaired due to lack of parts will be replaced.
- This project has been approved as a State Revolving Fund Green Project in the amount of \$500,000. Twenty percent or \$100,000 of this amount is forgivable due to American Recovery and Reinvestment Act funds. The loan will be repaid through sales tax revenues.
- Project must be let by January, 2010, to be eligible for this funding.
- This project schedule is:

Set Public Hearing	October 26, 2009
Hold Public Hearing	November 9, 2009
Letting	December 8, 2009
Award	December 14, 2010
Construction	Summer 2010

### RECOMMENDATION

Approval of this resolution.



**RESOLUTION**  
**NO 09-376**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK  
TO EXECUTE AN AGREEMENT WITH  
ERIKSEN CONSTRUCTION FOR THE  
WASTE WATER TREATMENT PLANT  
RECIRCULATION PUMP STATION/MOTOR CONTROL  
CENTER REPLACEMENT & CONTROLS UPGRADE  
FY10-19**

- WHEREAS, the plans, specifications, and form of contract for the  
are on file in the Waste Water Treatment Plant Recirculation  
Pump Station/Motor Control Center Replacement & Controls Upgrade  
are on file in the office of the City Clerk; and
- WHEREAS, a Notice of Public Hearing was published, as required  
by law, and a public hearing was held on November 9, 2009,  
and the plans, specifications and form of contract were  
approved; and
- WHEREAS, Eriksen Construction has submitted a low bid in the  
amount of \$336,800.00 for this contract.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the bid of Eriksen Construction in the amount of \$336,800.00 is hereby accepted as the lowest and  
best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the Waste Water Treatment Plant  
Recirculation Pump Station/Motor Control Center Replacement & Controls Upgrade, and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement  
with Eriksen Construction for and on behalf of the City of Council Bluffs, upon approval by the City  
Attorney of the certificate of insurance and payment and performance bonds as required by the contract  
specifications.

ADOPTED  
AND  
APPROVED

December 14, 2009

---

Thomas P. Hanafan, Mayor

ATTEST:

---

Marcia L. Worden, City Clerk

## COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. \_\_\_\_\_

First Reading December 14, 2009

Case/Project No.: FY10-06B

Resolution No. 09-377

Applicant: Greg Reeder, Public Works Director

### SUBJECT/TITLE

Council consideration of a resolution accepting the work of Eyman Plumbing, Inc. as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the East 29<sup>th</sup> Avenue Sewer Extension. Project #FY10-06B.

### BACKGROUND/DISCUSSION

- Public Works was approached by a resident of E. 29<sup>th</sup> Avenue with a request for a sanitary sewer extension on his street. His septic system has failed and due to his lot dimensions and terrain, rebuilding the septic was not an option. There was no sanitary sewer on E. 29<sup>th</sup> Avenue.
- Proposed was a sewer extension that would service and benefit E. 29<sup>th</sup> Avenue, located north of Harry Langdon Blvd and east of I-80.
- Letters of support were sent and all five property owners of six parcels benefitted. One additional parcel on the street was already connected to the sewer. Two property owners immediately tapped-on to the new sewer.
- The benefitted area of this project contained 9 acres. CBPW estimates that at ultimate build-out of the benefitted area could reasonable contain 13 lots. In the benefitted area there are 5 existing single family homes and 8 more that could be built along E. 29<sup>th</sup> Avenue, each with 55 foot frontages.
- The final estimate is \$93,540.25. The ultimate build out is 13 lots and the benefitted area is 9 acres. The anticipated Tap-on fee is:  
 $(\$93,540.25) \times 13 \text{ lots} = \$ 7,195.40 \text{ per benefitted lot, or}$   
 $(\$93,540.25) \times 9 \text{ acres} = \$10,393.36 \text{ per benefitted acre.}$

Final fees will be set with tap-on fee ordinance to council upon project completion.

Homeowners will be directly responsible for lateral connections and abandonment of septic systems.

- CBPW recommends, that a per benefitted lot tap-on fee schedule be used to lower the cost to existing property owners while retaining the ability to be reimbursed when new houses connect to the sewer extension.

	Division I <u>General</u>	Division II <u>Pavement</u>	Division III <u>Storm Sewer</u>	Division IV <u>Sanitary Sewer</u>	1 <u>Total</u>
• Original Contract Amount	\$18,680.00	\$10,217.20	\$2,340.00	\$64,167.42	\$95,404.62
Change Orders (1.95%)	(\$ 590.17)	\$ 2,365.80	0	(\$ 3,640.00)	(\$ 1,864.37)
Final contract amount	\$18,089.83	\$12,583.00	\$2,340.00	\$60,527.42	\$93,540.25
Less previous payments	\$17,185.34)	(\$11,953.85)	(\$2,223.00)	(\$57,501.05)	(\$88,863.24)
Retainage due contractor	\$ 904.49	\$ 629.15	\$ 117.00	\$ 3,026.37	\$ 4,677.01

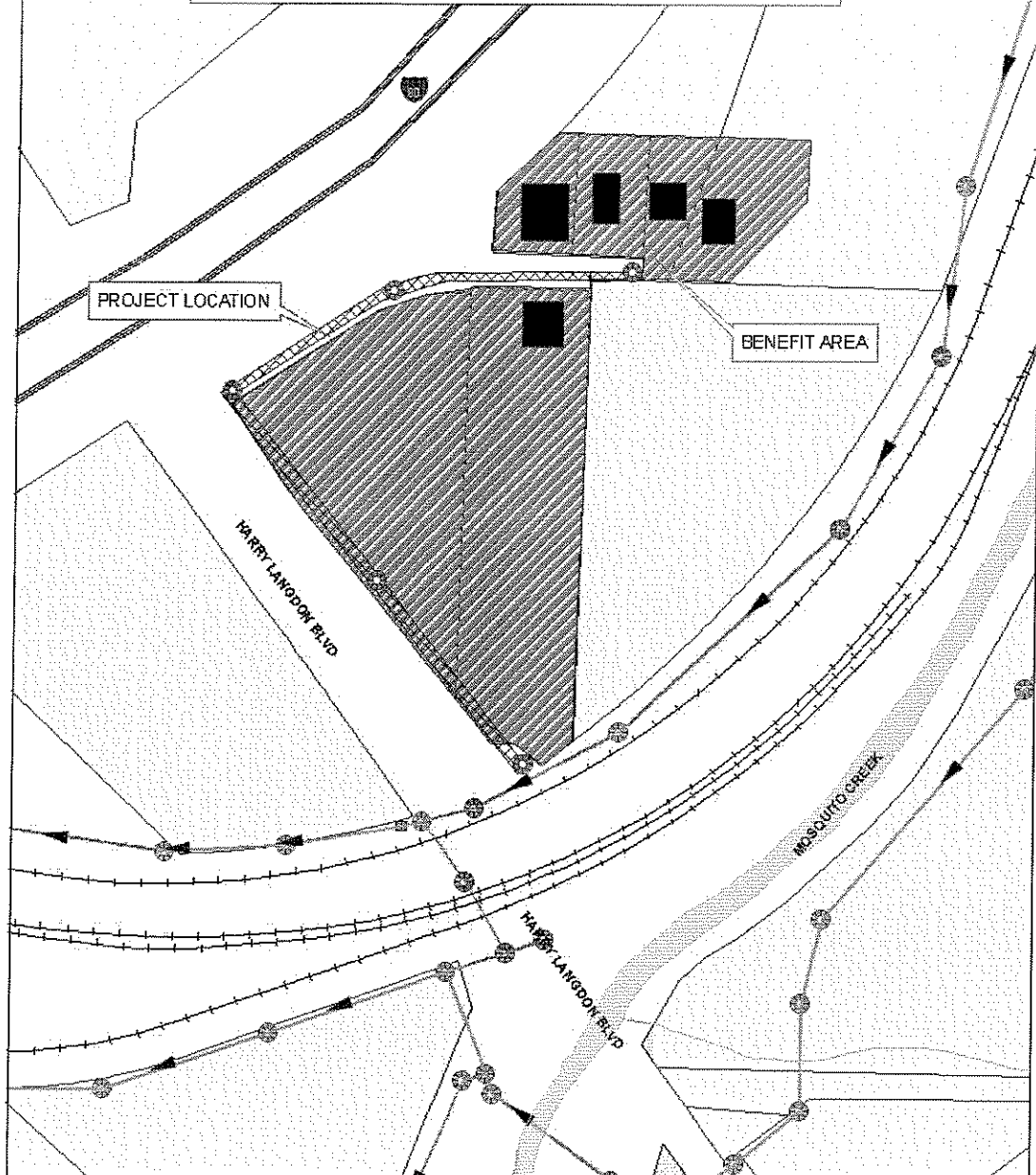
Contract received no non-compliance notices.

Contractor did finish on time.

### RECOMMENDATION

Approval of this resolution.

FY10-06B  
EAST 29TH AVE  
SANITARY SEWER EXTENSION





**RESOLUTION**  
**NO 09-377**

**RESOLUTION ACCEPTING THE WORK OF  
EYMAN PLUMBING, INC. IN CONNECTION WITH  
THE EAST 29<sup>TH</sup> AVENUE SEWER EXTENSION  
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE  
A CITY CHECK IN THE AMOUNT OF \$4,677.01  
FY10-06B**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Eyman Plumbing, LaVista, NE for the East 29<sup>th</sup> Avenue Sewer Extension; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the City clerk; and
- WHEREAS, a request for final payment in the amount of \$4,677.01 to Eyman Plumbing, Inc. has submitted to the city council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$4,677.01 constitutes a valid obligation of the City and should in its best interest be paid.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

Said improvements are hereby accepted as having been fully completed in accordance with plans and specifications.

**AND BE IT FURTHER RESOLVED**

That the finance director is hereby authorized and directed to issue a city check in the amount of \$4,677.01 payable to Eyman Plumbing, Inc. from budget codes Division I, P48230-676000; Division II, P48230-676200; Division III, P48230-676500; Division IV, P48230-676700. Project #00386.

ADOPTED  
AND  
APPROVED

December 14, 2009

---

Thomas P. Hanafan, Mayor

ATTEST:

---

Marcia L. Worden, City Clerk

# Memo

**To:** Members of City Council

**From:** Mayor Tom Hanafan

**Date:** December 7<sup>th</sup>, 2009

**Re:** Appointments for December 14, 2009 City Council Meeting

---

With City Council concurrence, I would like to make the following appointments:

**Enterprise Zone Commission**

Appoint Greg Halverson V.P for Economic Development Council Bluffs Area Chamber of Commerce at 7 N 6<sup>th</sup> St with term expiring on June 30<sup>th</sup> 2011.

**Municipal Housing Agency**

Appoint Misty Wyant at 2611 S 17<sup>th</sup> St Council Bluffs with term expiring on July 31, 2010

**Civil Rights Commission**

Appoint Gilda Bettis at 414 Huntington Ave with term expiring on August 1<sup>st</sup>, 2011

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS, IA 51503  
Telephone (712) 328-4620

CITY CLAIM NO. \_\_\_\_\_

## NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: The Schemmer Associates DAY PHONE: 712-329-0300  
ADDRESS: 928 Valley View Dr Suite 12 DOB: \_\_\_\_\_ SS#: \_\_\_\_\_  
Council Bluffs 51503  
DATE & TIME OF LOSS/ACCIDENT: May through August 2009  
LOCATION OF LOSS/ACCIDENT: Arnold Ave 535 to 500  
DESCRIPTION OF LOSS/ACCIDENT: Non payment of retesting and restaking on  
City of Council Bluffs Lower Bennett Phase 1 construction  
Project City Project # F410-10

TOTAL DAMAGES CLAIMED: \$ 1615.00

(USE BACK OF FORM, IF NECESSARY)

WITNESS(ES) (Name(s), Address(es), Phone No(s)) \_\_\_\_\_

WAS POLICE REPORT FILED \_\_\_\_\_ YES X NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY: \_\_\_\_\_

HAVE YOU RESUMED NORMAL ACTIVITIES? X YES \_\_\_\_\_ NOIF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF PHOTOGRAPHS, ESTIMATES, INVOICES, AND ANY  
OTHER RELEVANT INFORMATION: \_\_\_\_\_

LIST INSURANCE PROVIDER AND COVERAGE: \_\_\_\_\_

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY  
CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A  
FALSE CLAIM (SECTION 714.8(3), CODE OF IOWA)

12-1-09  
DATE

Randy S. Fehl  
CLAIMANT'S SIGNATURE

November 18, 2009

Invoice No: 05662.006 - 1

Ed Leazenby  
Leazenby Construction  
1705 S. 29th Street  
Council Bluffs, IA 51501

Project 05662.006 Lower Bennett - Leazenby

**Professional Services through September 30, 2009**

**Professional Personnel**

	Hours	Rate	Amount	
Senior Registered Engineer	2.00	140.00	280.00	
Senior Registered Land Surveyor	3.00	115.00	345.00	
2-Man Crew	4.00	125.00	500.00	
1-Man Crew	5.50	80.00	440.00	
Totals	14.50		1,565.00	
<b>Total Labor</b>				<b>1,565.00</b>

**Reimbursable Expenses**

Other reimbursable expenses			
9/30/09 Retest of Failing Test		50.00	
<b>Total Reimbursables</b>		<b>50.00</b>	<b>50.00</b>
<b>Total this Invoice</b>			<b>\$1,615.00</b>

**Billings to Date**

	This Invoice	Previously	Total
Labor	1,565.00	0.00	1,565.00
Expense	50.00	0.00	50.00
<b>Invoiced to Date</b>	<b>1,615.00</b>	<b>0.00</b>	<b>1,615.00</b>

Services include:

- Restaking of sewers and pavement
- Visiting the job site to stake items at the contractor's request, only to find contractor was not ready for stakes.
- Retest of failing compaction test.

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. \_\_\_\_\_

## NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: LORETTA GOODWATER DAY PHONE: 402-203-7776

ADDRESS: 4029 Gladbrook Dr

DATE & TIME OF LOSS/ACCIDENT: 11/12/09

LOCATION OF LOSS/ACCIDENT: City Employee Parking

DESCRIPTION OF LOSS/ACCIDENT: Flat tire - have 4 nails in my tire

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 142.25

WITNESS(ES) (Name(s), Address(es), Phone No(s).) \_\_\_\_\_

WAS POLICE REPORT FILED ☐ YES ☒ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY: \_\_\_\_\_

HAVE YOU RESUMED NORMAL ACTIVITIES? ☐ YES ☐ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF PHOTOGRAPHS, ESTIMATES, INVOICES, AND ANY

OTHER RELEVANT INFORMATION: Since the construction has started near the City Employee parking, I have 2 flat tires. Both times, I have to replace tire.

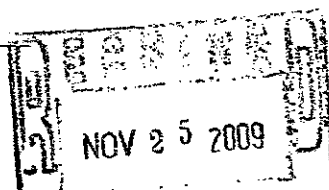
LIST INSURANCE PROVIDER AND COVERAGE: \_\_\_\_\_

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3), CODE OF IOWA)

DATE

11/23/09



CLAIMANT'S SIGNATURE

Loretta Goodwater

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. \_\_\_\_\_

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Amy Kern DAY PHONE: 402-212-605

ADDRESS: 1008 N-26 St DOB: 2/8/83

DATE & TIME OF LOSS/ACCIDENT: 11/22/09 7:00pm

LOCATION OF LOSS/ACCIDENT: Alley behind Fiorilla Carwash & Lynch Jeweler

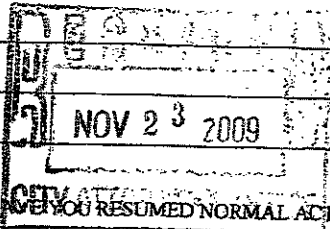
DESCRIPTION OF LOSS/ACCIDENT: Due to the position of the road closed sign on So 1st between ~~the~~ Kanawille & Broadway, I was forced to use the alley behind Fiorilla Carwash & Lynch Jeweler. That alley has... (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ \$170.13

WITNESS(ES) (Name(s), Address(es), Phone No(s)) none

WAS POLICE REPORT FILED YES ☒ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:



2009 NOV 23 P 4:33  
COUNCIL BLUFFS  
CITY CLERK

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY

OTHER RELEVANT INFORMATION: Invoice from Jensen Tire. Photos of hole.

LIST INSURANCE PROVIDER AND COVERAGE: Campbells Insurance - full coverage

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

11/23/09  
DATE

AK  
CLAIMANT'S SIGNATURE

become a 2-way street due to the construction on Broadway. There is no street light at that end of the alley. As I was turning right to exit the alley (facing subway) my right front tire and back right tire went into the large hole. There was damage to my car as a result. Immediately there was a vibration & noise from the passenger side of the car. There was nothing marking that hole as a hazard & it can not be seen at night. The damage to the rear has been repaired (receipt included). Damage to the front can't be repaired.

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. \_\_\_\_\_

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT:

Ron Nelson

DAY PHONE:

402-598-7865

ADDRESS:

530 Benson St C.B. Ia 51501

DOB:

8-27-65

DATE & TIME OF LOSS/ACCIDENT:

10-28-09

LOCATION OF LOSS/ACCIDENT:

Between 39th and 35th on Ave G

DESCRIPTION OF LOSS/ACCIDENT:

The tar or glue that they use to make the asphalt stick to the concrete is all over my truck

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$

Body shop estimate is 3980.00

WITNESS(ES) (Name(s), Address(es), Phone No(s))

Keith Holcomb 7622 Hartman Ave Omaha, 213-3096  
Doug Lantry, 712-487-3953.

WAS POLICE REPORT FILED

YES

☒ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

2009 NOV 19 PM 3:21

COUNCIL BLUFFS  
CITY CLERK

HAVE YOU RESUMED NORMAL ACTIVITIES?

☒ YES

NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY

OTHER RELEVANT INFORMATION:

There were no signs stating that the road  
Ave B was closed, only cones that were dividing the two directions  
of traffic

LIST INSURANCE PROVIDER AND COVERAGE:

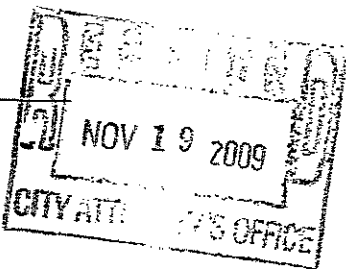
State farm full coverage

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

10-15-09

DATE



Ron Nelson

CLAIMANT'S SIGNATURE



## OFFER TO BUY CITY PROPERTY

Council Bluffs, Pottawattamie County, Iowa, #5 CANNING-11-20, 2009

TO: THE CITY OF COUNCIL BLUFFS, IOWA:

THE UNDERSIGNED (hereby designated as Buyers) hereby offer to buy the real estate situated in Council Bluffs, Pottawattamie County, Iowa, described as follows:

Part of Lot 2, Auditor's Subdivision of the SW1/4 NE1/4 and part of Lot 14, Auditor's Subdivision of the SE1/4 NE1/4, all in Section 30-75-43 described as: Commencing at the intersection of Canning Street and McPherson Avenue, thence North 48', East 75.5', South 37.5', West 78.45' to the Point of Beginning.

together with any easements and servient estates appurtenant thereto, but with reservations and exceptions only as follows:

- (a) Title shall be taken subject to applicable zoning restrictions, except as in (1) below:
- (b) And subject to easements of record for public utilities, public roads and public highways; at \$0.10 per square foot, for a total sum of \$300.00, payable at the office of the City Clerk, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503, as follows:

by payment of \$ 30.00 (down payment is required in the amount of \$25.00 or 10% of the total purchase price, whichever is greater) herewith to be held by the City Clerk of Council Bluffs, Iowa, pending passage of an ordinance authorizing vacation and disposal of the described property and authorizing the Mayor and City Clerk of Council Bluffs, Iowa, to execute the City Deed to the described property; and the balance of \$ 270.00 to be paid upon execution and delivery of the City Deed by the Mayor and City Clerk of Council Bluffs, Iowa.

(1) SPECIAL USE. This offer is void unless Buyers are permitted, under any existing zoning and building restrictions, immediately to make the following conforming use of said real estate:

ADDING LAND ONLY TO SINGLE FAMILY HOME  
AT 9 CANNING

- (2) TAXES. All subsequent taxes shall be paid by Buyers.
- (3) SPECIAL ASSESSMENTS. All subsequent special assessments shall be paid by Buyers.
- (4) INSURANCE. Buyers, if they desire, may obtain insurance to cover risk of loss from hazards.
- (5) POSSESSION. Buyers are entitled to possession of the described property upon payment of the balance due and receipt of the City Deed.
- (6) REJECTED OFFER. If this offer is rejected by the City Council of the City of Council Bluffs, Pottawattamie County, Iowa, it shall become null and void and all payments shall be repaid to the Buyers.
- (7) DEED. Upon payment of the purchase price, the City shall convey title by City Deed, free and clear of liens and encumbrances, reservations, exceptions or modifications except as in this instrument otherwise expressly provided. All warranties shall extend to time of acceptance of this offer and delivery of deed.

(8) OTHER PROVISIONS: CITY WILL GUARANTY TITLE TO  
BE FREE OF LEINS. PURCHASE NOT TO EXCEED \$300,00

Erwin A. Ocherstet  
Buyer

Title

7323 N 152nd ST BIRMINGHAM NE 68007  
Address

402-493-7494

Telephone

STATE OF IOWA )  
COUNTY OF ) SS.  
POTTAWATTAMIE )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a  
Notary Public in and for the State of Iowa, personally appeared \_\_\_\_\_,  
to me known to be the identical persons named in and who executed the within and foregoing  
instrument "Offer To Buy City Property" in its entirety and acknowledged that they executed the same  
as their voluntary act and deed.

\_\_\_\_\_  
Notary Public in and for said State

## OFFER TO BUY CITY PROPERTY

Council Bluffs, Pottawattamie County, Iowa, Nov. 23, 2009

TO: THE CITY OF COUNCIL BLUFFS, IOWA:

THE UNDERSIGNED (hereby designated as Buyers) hereby offer to buy the real estate situated in Council Bluffs, Pottawattamie County, Iowa, described as follows:

Parsel # 7444 16 251 007 Lot 7 Block 10 Moore's  
Addition

together with any easements and servient estates appurtenant thereto, but with reservations and exceptions only as follows:

- (a) Title shall be taken subject to applicable zoning restrictions, except as in (1) below:
- (b) And subject to easements of record for public utilities, public roads and public highways; at \_\_\_\_\_ per square foot, for a total sum of \$7600.00, payable at the office of the City Clerk, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503, as follows:

by payment of \$ 500.00 (down payment is required in the amount of \$25.00 or 10% of the total purchase price, whichever is greater) herewith to be held by the City Clerk of Council Bluffs, Iowa, pending passage of an ordinance authorizing vacation and disposal of the described property and authorizing the Mayor and City Clerk of Council Bluffs, Iowa, to execute the City Deed to the described property; and the balance of \$7100.00 to be paid upon execution and delivery of the City Deed by the Mayor and City Clerk of Council Bluffs, Iowa.

(1) SPECIAL USE. This offer is void unless Buyers are permitted, under any existing zoning and building restrictions, immediately to make the following conforming use of said real estate:

Mobile Lot

- (2) TAXES. All subsequent taxes shall be paid by Buyers.
- (3) SPECIAL ASSESSMENTS. All subsequent special assessments shall be paid by Buyers.
- (4) INSURANCE. Buyers, if they desire, may obtain insurance to cover risk of loss from hazards.
- (5) POSSESSION. Buyers are entitled to possession of the described property upon payment of the balance due and receipt of the City Deed.
- (6) REJECTED OFFER. If this offer is rejected by the City Council of the City of Council Bluffs, Pottawattamie County, Iowa, it shall become null and void and all payments shall be repaid to the Buyers.
- (7) DEED. Upon payment of the purchase price, the City shall convey title by City Deed, free and clear of liens and encumbrances, reservations, exceptions or modifications except as in this instrument otherwise expressly provided. All warranties shall extend to time of acceptance of this offer and delivery of deed.

COUNCIL BLUFFS  
COMMUNITY DEVELOPMENT DEPT.

NOV 23 2009

RECEIVED

7.C.

2009 NOV 23 A  
COUNCIL BLUFFS  
CITY CLERK

(8) OTHER PROVISIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Frederick Rose  
Buyer

\_\_\_\_\_  
Buyer's Spouse

\_\_\_\_\_  
Title

3607 William Lane Council Bluffs Ia  
Address

402 572 6281  
Telephone

Frederick Rose

IA 515 223615



STATE OF IOWA )  
COUNTY OF ) SS  
POTTAWATTAMIE )

On this 17<sup>th</sup> day of November, 20 09, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Frederick Rose in person to me known to be the identical persons named in and who executed the within and foregoing instrument "Offer To Buy City Property" in its entirety and acknowledged that they executed the same as their voluntary act and deed.

Rebecca L Belt  
Notary Public in and for said State



CITY OF COUNCIL BLUFFS

Date / Time : 11/23/09 08:43

Payment : \$ 500.00

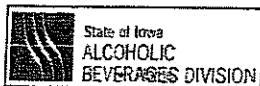
Receipt # : 192903

Check/Credit Card #: 1718

Clerk : palbright

7.C.

-82-



- Alcohol
- Tobacco
- Links
- Contact

*Renewal*  
 CITY CLERK'S OFFICE  
 POLICE *[Signature]*  
 FIRE *[Signature]*  
 HEALTH *[Signature]*  
 BUILDING *[Signature]*  
 ZONING *[Signature]*

Help	License Search	License List	On-Demand Reporting	Key Registration Search	User Profile	Logoff
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- > License
- > Privileges
- > Applicant
- > Status Of Business
- > Ownership
- > Criminal History
- > Premises
- > General Premises
- > Applicant Signature
- > Dram Cert
- > Local Endorse
- > History

## Applicant LC0029668, Applebee's Neighborhood Grill & Bar, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Name of Applicant:	J S Ventures Inc (Sole Proprietorship, Partnership, Corporation, etc.)		
Name of Business (D/B/A):	Applebee's Neighborhood Grill & Bar		
Address of Premises:	3000 Dial Dr		
Address Line 2:			
City:	Council Bluffs		
County:	Pottawattamie		
Zip:	51501		
Business Phone:	(316) 263-3446	Cell / Home Phone:	
<input type="checkbox"/> Same Address			
Mailing Address:	2406 N Woodlawn, Ste 230		
Mailing Address Line 2:			
City:	Wichita	State:	Kansas
Zip:	67220		
Contact Name:	Kelci Burkholder		
Phone:	(316) 263-3446	Email Address:	kburkholder@stevensenterpr

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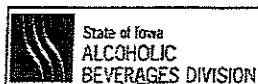


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### Applicant BW0093107, Boxer L.L.C., Council Bluffs

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Name of Applicant:	Boxer L.L.C. (Sole Proprietorship, Partnership, Corporation, etc.)	
Name of Business (D/B/A):	Boxer L.L.C.	
Address of Premise:	722 Creek Top	
Address Line 2:	Suite 2 & 3	
City:	Council Bluffs	
County:	Pottawattamie	
Zip:	51503	
Business Phone:	(712) 325-4227	Cell / Home Phone: (402) 690-7122
<input type="checkbox"/> Same Address		
Mailing Address:	722 Creek Top	
Mailing Address Line 2:	Suite 2 & 3	
City:	Council Bluffs	State: Iowa
Zip:	51503	
Contact Name:	Jim Mohatt	
Phone:	(712) 325-4227	Email Address: jimmohatt@cox.net

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### Applicant LC0035796, Goofy's, Council Bluffs

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Name of Applicant:	Council Bluffs Investment Inc (Sole Proprietorship, Partnership, Corporation, etc.)		
Name of Business (D/B/A):	Goofy's		
Address of Premise:	807 S. 21st St		
Address Line 2:			
City:	Council Bluffs		
County:	Pottawattamie		
Zip:	51501		
Business Phone:	(712) 322-9817	Cell / Home Phone:	(712) 310-8554
<input type="checkbox"/> Same Address			
Mailing Address:	1325 23rd Ave		
Mailing Address Line 2:			
City:	Council Bluffs		State: Iowa
Zip:	51501		
Contact Name:	Ed Rutledge		
Phone:	(712) 328-3533	Email Address:	edr2616@aol.com

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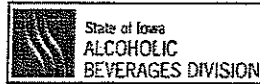


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### Applicant LE0001063, Hy-Vee #2, Council Bluffs

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Name of Applicant:	Hy-Vee, Inc. (Sole Proprietorship, Partnership, Corporation, etc.)	
Name of Business (D/B/A):	Hy-Vee #2	
Address of Premise:	1745 Madison Ave B	
Address Line 2:		
City:	Council Bluffs	
County:	Pottawattamie	
Zip:	51503	
Business Phone:	(712) 322-9260	Cell / Home Phone:
<input type="checkbox"/> Same Address		
Mailing Address:	5820 Westown Pkwy	
Mailing Address Line 2:		
City:	West Des Moines	State:
Zip:	50266	
Contact Name:	Jennie Scott	Email Address:
Phone:	(515) 267-2874	jmscott@hy-vee.com

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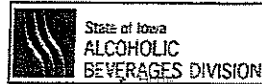
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### Applicant BC\_V\_24363, Darrah's , Council Bluffs

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Name of Applicant:	Kelly A Ecabert (Sole Proprietorship, Partnership, Corporation, etc.)		
Name of Business (DBA):	Darrah's		
Address of Premises:	3607 9th ave		
Address Line 2:			
City:	Council Bluffs	State:	Iowa
County:	Pottawattamie		
Zip:	51501		
Business Phone:	(712) 322-4949	Cell / Home Phone:	
Same Address			
Mailing Address:	3607 9th ave		
Mailing Address Line 2:			
City:	Council Bluffs	State:	Iowa
Zip:	51501		
Contact Name:	Kelly Ecabert		
Phone:	(402) 681-8869	Email Address:	kiret@cox.net

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## Applicant LC\_V\_23648, Johnnie's Cantina, Council Bluffs

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Name of Applicant: 4 Amigos Inc

(Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Johnnie's Cantina

Address of Premise: 1251 Madison Ave

Address Line 2: Ste 724

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (402) 681-7068

Cell / Home Phone: (402) 681-7068

☐ Same Address

Mailing Address: 18465 Jaylann Dr

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51503

Contact Name: Bonnie Culjat

Phone: (402) 681-7068

Email Address:

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### Applicant LC\_V\_23048, Kitchen Emporium & Wine Shop Inc., Council Bluffs

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Name of Applicant: Kitchen Emporium & Wine Shop (Sole Proprietorship, Partnership, Corporation, etc.)  
 Name of Business (D/B/A): Kitchen Emporium & Wine Shop Inc.  
 Address of Premises: 805 S. Main, Suite 2  
 Address Line 2:  
 City: Council Bluffs  
 County: Pottawattamie  
 Zip: 51501  
 Business Phone: (712) 352-2022 Cell / Home Phone: (402) 679-6366  
☐ Same Address  
 Mailing Address: 805 S. Main, Suite 2  
 Mailing Address Line 2:  
 City: Council Bluffs State: Iowa  
 Zip: 51501  
 Contact Name: Valerie L. Ware  
 Phone: (402) 679-6366 Email Address: lowaris@aol.com

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